IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

Crl.MC.No. 1697 of 2005()

CRIME NO.229/05 KURUPPAMPADY POLICE STATION

PETITIONER: ACUSED PERSONS 1 AND 2.

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1. SAJI, S/O.PHILIPOSE,
THETTIKKODU, MUKALATHU HOUSE, KEEZHILLAM KARA,
RAYAMANGALAM VILLAGE.

2. SHIBU M.K. S/O.KUMARAN,
MUTHALA PARAMBIL, KEEZHILLAM.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.RAM MOHAN.G.
SRI.G.P.SHINOD
SRI.MANU V.

RESPONDENTS: DEFACTO COMPLAINANT.

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1. STATE OF KERALA, REPRESENTED BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. CICILY JOHN, CHELLAKUZHI HOUSE,
KEEZHILLAM, RAYAMANGALAM VILLAGE.

R1 BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 27/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 1697 of 2005

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Dated this the 27th day of March, 2007

O R D E R

This petition has been filed by the petitioners, who are accused 1 and 2 in a crime registered by Kuruppampady police, inter alia under Section 3 of the SC/ST (Prevention of Atrocities) Act and Sections 427, 448 r/w. 34 I.P.C. The crime has been registered on 11.6.2005 as Crime No.229 of 2005. The petitioners have come to this Court with the prayer that the F.I.R. registered against them may be quashed.

2. When this petition came up for hearing, the learned counsel for the petitioners submits that the matter has been settled between the parties and the defacto complainant shall report to the Investigating Officer that the matter has been settled and compromised and that she has no surviving grievance against the petitioners. The counsel submits that as a matter of fact it was a purely civil dispute between the parties and there is no element of contumacious culpable liability for the petitioners.

3. Having considered all the relevant inputs, I am satisfied that this petition can be dismissed with appropriate observations/safeguards.

4. This Crl.M.C. is accordingly dismissed. It will be open to the parties to appear before the Investigating Officer and submit that the matter has been settled and there is no surviving disputes between the parties. The Investigating Officer must consider all circumstances in their totality and come to appropriate conclusions and file appropriate reports before the learned Magistrate. The Investigating Officer shall be at liberty to question the accused persons. However, I am satisfied in the nature of the submissions made, that a direction can be issued to the petitioners to appear before the learned Magistrate on 9.4.2007 and seek bail. Till then they shall not be arrested by the Investigating Officer. The learn Magistrate must pass appropriate orders granting the petitioners bail, subject to appropriate conditions on the date of their surrender itself.

(R. BASANT)
Judge

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